

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
JANUARY 7, 2010**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Tyler Vincent	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Ben Boyce	Leisure Services Director
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Blake Fønnesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Kirk Morgan	City Attorney
	Tyler Pugsley	Public Works Assistant Director
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police
	Cathy Wood	Cemetery Sexton

Mayor Fife called the meeting to order. The Reverence Period was given by Bishop Michael Killpack from the LDS Church Sixth Ward. The scouts in the audience led the Pledge of Allegiance.

Mayor Fife explained the form of government of the City. Brigham City is under a six-Council form of government. State Code states that the "powers of municipal government in a municipality operating under the six-member Council form of government are vested in a Council consisting of six members, one of which is a Mayor. . . . In a municipality operating under a six-member Council form of government the Council is a legislative body of the municipality and exercises the legislative powers and performs the legislative duties and functions." The Mayor is the executive of the government.

**PUBLIC COMMENT
CONSENT**

Council Assignments for 2010 and 2011
New Hire, Youth Empowerment Team Coordinator
Appointment of Vice-Chairperson to the Planning Commission

PUBLIC HEARINGS

Surplus of a Significant Parcel of Real Property Located at 544 South 800 West Containing 17.29 Acres and Zoned R-M-7
Continuation of Public Hearing Opened at the December 17, 2009 Council Meeting on Consideration to Vacate Easements Associated with an Amendment to the BD Subdivision Plat Located at Approximately 37 South 600 West and Request for Approval of Ordinance

NEW BUSINESS

Appointment of Mayor Pro Tem
Request for Approval of Resolution Establishing Written Policy for the Presentation of Thoughts, Readings and Invocations at Council Meetings

UNFINISHED BUSINESS

Request for Approval of Ordinance Amending the Zoning Map Designation from General Commercial to Multiple Residential District for Property Located at 37 South 600 West (*tabled*)

PLANNING COMMISSION BUSINESS

Amendment to Title 29 of the City Code to Include Chapter 29.33, Wind Energy Systems (*tabled*)

MAKING LIFE BETTER - DEPARTMENT REPORTS

OTHER BUSINESS

CLAIMS

Payment Register

Mayor Fife removed the items under Unfinished Business and Planning Commission Business.

Councilmember Christensen made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PUBLIC COMMENT

Alex Lloyd - Mr. Lloyd thanked the Council for asking their scout troop to attend the Council meeting. The Scouts have had a good time. However, they have to leave. They look forward to seeing what the new Council has in store for Brigham City.

CONSENT

Council Assignments for 2010 and 2011

A list of assignments for the next two years were presented for approval.

New Hire, Youth Empowerment Team Coordinator

It was recommended Bonnie Mortensen be hired as the Youth Empowerment Team Coordinator, Grade E50, effective January 8, 2010.

Appointment of Vice-Chairperson to the Planning Commission

It was also recommended the Council approve the appointment of Barbara Poelman to serve as Vice-chairperson of the Planning Commission.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded by Councilmember Ericson and unanimously carried.

PUBLIC HEARINGS

Surplus of a Significant Parcel of Real Property Located at 544 South 800 West Containing 17.29 Acres and Zoned R-M-7

Mr. Leonard explained that this parcel of property is bordered on the west by the railroad tracks and on the north is 800 West. There is a dwelling on the property.

A motion to open the public hearing was made by Councilmember Marabella, seconded by Councilmember Ericson and unanimously carried.

Ron Papworth - Mr. Papworth is on the Parks and Recreation Commission. He suggested this property be held by the City for at least another year because he would like to see the money from the sale of the property used for a sports complex that is tentatively planned on the lower property near this location. He was concerned if the property is sold now that the funds will be used somewhere else. Also, it would probably reduce the individual taxes in Brigham City on those that pay taxes because eventually there will probably be a bond levied for that park. With reduced taxes that would help the burden on the citizens. Timing is everything on this. If the City waits too long there will be other nearby communities that will build ball parks. In fact in the Ogden Standard this morning Riverdale announced that they will build a ball park within three years. This needs to be kept in mind and it is something that really needs to get started as soon as possible.

Dan Coburn - Mr. Coburn is also a member of the Parks & Recreation Commission. He recommended the property not be sold at this time because of the current economy. If the City waited it will increase in value. There is a great need for recreation in Brigham City. There are hundreds of kids that play softball and soccer all summer long and to try and schedule time on the fields is impossible. He recommended the money from the sale of the property go toward the sports complex to get it kick started. It is very important. The money that can be generated from a sports complex in tax revenue is great. A lot of teams will come into Brigham City and spend their money at the grocery stores, gas stations and restaurants and then go home.

Cathy Wood - Ms. Wood, Cemetery Sexton, recommended the City not sell the land. For the 20 years she has been sexton she has buried over 3,000 people. That rate continues to go up all the time. In 1877 the Council set aside 40 acres for the cemetery of Brigham City. There are no parcels of 40 acres anywhere in the City now. There is maybe 50 years left in the cemetery. If this property is sold that is the biggest parcel the City will own. It will cost a lot more to buy a parcel the same size in 50 years than what the City could get buy selling this property. If the City does not set aside this parcel for a future cemetery, there will not be a place for future generations to be buried. No one has ever complained about having too much green space. This could be set aside as a park and it would be close to the complex. It will not cost the City a lot of money to maintain until it is needed. She asked the Council to look at this and see the vision in it.

Ryan Abraham - Mr. Abraham works at the Brigham City Cemetery and is a Board Member of the Utah Cemetery and Parks Association. He agreed with Ms. Wood's comments. There is great concern throughout the state about space for future cemeteries. There are four cities in the state that are desperately looking for land because their cemetery has run out of room. American Fork, for example, has completely run out of space. People are not allowed to buy a plot until they are terminally ill or deceased; they can no longer just buy a plot. He would like the City to keep this property for future cemetery plots.

Steve Packer - Mr. Packer is a neighbor of the property in discussion. Years ago the property was an orchard and very well kept. Since that time, and especially since the City has owned it, it has gone through varying stages of how it is being kept. When the Cemetery and Parks Department was maintaining it, it was better than it has been in the last few years. Their concern as neighbors is if the City keeps the property that they maintain it. It is full of orchard grass and weeds until someone calls then something gets done. If it does sell, it is a prime developable property. He works part-time as a realtor and he has had numerous inquiries about the property. He agreed that now is probably not the right time to sell the property because property is not selling, or selling at very low prices. Another concern the neighbors have is that the owners of the property are the only people that request a zone change. The zoning on the property is R-M-7, which is multiple use, high density, seven units per acre. There is a half acre piece of property that was sold and a duplex and a single home are being built on it and they have been under construction for 3-4 years. It is one of the biggest eyesores in the City. This particular owner has two duplexes in the City in like condition.

There were no further comments from the public. A motion to close the public hearing was made by Councilmember Ericson, seconded by Councilmember Jensen and carried.

Councilmember Marabella said he was on the Council when the City purchased this property. The Christensens offered it to the City at a very discounted price. The money to purchase the property was not budgeted, so the City paid for it over a four-year period. The reason this issue even came up was because there has been a lot of citizen input that the City was purchasing too much property. The Council looked at all City owned property and long-term plans for each piece of property. He felt the City should try to replenish the City's fund balance instead of continuing to take from it. The money to pay for this property came from fund balance, not from the Leisure Services Department. If the property is sold, the City should be careful about designating the money because approximately \$600,000 should go back to fund balance. He added that he is a big supporter of the sports complex and agreed the City should continue to look at it, but should be careful about spending money.

Councilmember Ericson explained that just because the Council is talking about surplusizing the property it does not mean the City is going to sell it. It is a process the state requires municipalities to go through to dispose of pieces of property. The City could keep the property for years. In order to sell it at some point, this process is required.

Councilmember Christensen added that there has been some interest shown in it; however, the Council is surplusizing it so sometime in the future it could be sold if it was the right time. There is no designation for the funds once it is sold. The Council is not prepared to state where the funds will go. One of his goals as a councilmember was to get rid of surplus property. The City should not be in the real estate business. The City should have property where it is needed for the future plans, but to accumulate a lot of property and take it off the tax rolls is not a good idea.

Councilmember Jensen asked Ms. Wood how many burials could be done on 17 acres. Ms. Wood said it would give the City a 50-year window.

Mayor Fife said he also had concerns about why the City would consider selling the property at this time, but then he was educated on the surplus process. It simply means that the City does not have any intended use for the property, not that it is going to be sold immediately. He felt the City should keep the property until it is known what is going to happen with the sports complex and the other ideas that have been proposed.

MOTION: Councilmember Christensen made a motion to surplus the property located at 544 South 800 West containing 17.29 acres and zoned R-M-7. The motion was seconded by Councilmember Marabella. Councilmember Ericson asked Mr. Morgan if the City surpluses the property if there is a procedure to go through to remove the property from the surplus list and use it in the future. Mr. Morgan said the only thing this process does is allow the City to sell it. Mayor Fife asked if the City decides to sell the property if there will be another opportunity for a public hearing. Councilmember Ericson said the City can hold a public hearing any time, even if it is not required. Mayor Fife suggested this be included as part of the motion.

AMENDED MOTION: Councilmember Christensen made an amended motion to include that if the City decides to sell the property that a public hearing be held before it is sold. Councilmember Ericson seconded the amended motion, unanimously carried.

Continuation of Public Hearing Opened at the December 17, 2009 Council Meeting on Consideration to Vacate Easements Associated with an Amendment to the BD Subdivision Plat Located at Approximately 37 South 600 West and Request for Approval of Ordinance

Mr. Bradley came forward and explained that a request was received from the applicant to continue this public hearing from the December 17 meeting. Since that time the applicant made another request to continue the application to February 4. Ms. Christensen recommended the public hearing be held, but no action be taken, because the public hearing has been advertised.

A motion to open the public hearing was made by Councilmember Jensen, seconded and carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Marabella, seconded and carried.

NEW BUSINESS

Appointment of Mayor Pro Tem

Mayor Fife suggested the Council consider setting the term of Mayor Pro Tem to one year so more have the opportunity to serve in this capacity.

MOTION: Councilmember Jensen nominated Councilmember Christensen for 2010 and recommended the election be re-opened in 2011. The motion was seconded by Councilmember Marabella and unanimously carried.

Request for Approval of Resolution Establishing Written Policy for the Presentation of Thoughts, Readings and Invocations at Council Meetings

Mayor Fife explained that as he looked at the constitutionality of the Reverence Period, he felt the City was not in full compliance with the Utah Supreme Court and the Constitution. This resolution provides a written policy to invite anyone interested in participating with a thought, reading or invocation.

MOTION: Councilmember Christensen made a motion to authorize the Mayor to sign the resolution setting forth a policy for presentation of thoughts, readings and invocations before certain meetings. Councilmember Jensen seconded the motion, unanimously carried.

MAKING LIFE BETTER - DEPARTMENT REPORTS

Raymond Poulson - Mr. Poulson reported that the Waste Treatment Facility is undergoing a major upgrade due to Procter and Gamble. Currently the flow entering the plant is 1.6 million gallons a day. P&G will add another 1.4 million gallons a day when they get their first paper machine on line. The head works, the final clarifier, sludge de-watering and disinfection system will be upsized to handle the increased flow. The waste water flows through each system, starting with the head works which filters objects not wanted in the system. The oxidation ditches follow where the water is cleaned by the bacteria. This system will need no upgrade at this time. The final clarifier settles the sludge, letting the clean flow to the disinfection system. Brigham City uses the environmentally friendly ultraviolet lamp technique to disinfect processed water. Additionally, the increased sludge waste stream from clarifiers will be de-watered by two new screen presses. The sludge is then composted and sold to the public, which sells quickly each year. The new lift station is already in place at the P&G site over ten miles away. It will pump the 1.4 million gallons to the Brigham City Waste Treatment Plant. The lift station at P&G is a little over 10' higher than the Brigham City plant. Along with the increased system comes additional maintenance, operations, testing and monitoring of these systems. The plant expansion is expected to be completed by June 2010. Mr. Fonnesebeck added that this is all being paid for with the \$24 million bond for upgrades to the water line and Waste Treatment Plant for P&G. The bond is being paid for with the tax increment through the County. It is being done at no cost to the City nor any liability to the City.

CLAIMS

Payment Register

Councilmember Jensen moved to approve General Claims dated December 22, 2009 in the amount of \$360,205.42; for December 29, \$258,339.01. The motion was seconded and carried.

A motion to adjourn to an Executive Session to discuss the purchase, exchange or lease of real property was made by Councilmember Jensen. The motion was seconded and carried unanimously. The meeting adjourned at 7:50 p.m. The Council returned to an open meeting at 9:25 and adjourned.